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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,494	10/12/2001	Horst Braun	1712	3317

7590 04/29/2003
Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/890,494	Applicant(s) BRAUN ET AL.	
	Examiner Tran N. Nguyen	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input checked="" type="checkbox"/> Other: <i>attachment (I)</i> |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed on 10/16/01 does not have the PTO Form 1449. The applicant is hereby requested to submit/resubmit the PTO1449 of the IDS filed on 10/16/10.

Claim Rejections - 35 USC § 112

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In **claim 5**, the phrase “a transition...is effected in infinitely graduated fashion” is indefinite because it’s unclear what is the so-called “**infinitely graduated fashion**”. In light of the spec, the transitions between surfaces of poles and of pole gap closure is formed in a small interval.

In response to the applicant’s remark that the specification, page 2 lines 23-28, and page 6, line 24 to page 7 line 5, clearly explains and defines the term “infinitely graduated fashion”, the Examiner does not agree with the applicant.

The spec, page 2 lines 23-28, discusses about the air flow will not detach at the transition from the outward-oriented surfaces of the poles and counterpart poles to the pole closure. The spec then continues to discuss that the *transition between the surfaces and counterpart poles of the pole closure and the poles and counterpart poles must be effected in **infinitely graduated fashion***. As understood, this part of the specification discloses about the airflow will not detach at the transition, wherein *the transition* between the surfaces of the poles and the pole closure *must be effected in **infinitely graduated fashion***. However, this part of the spec fails to explain *what is “an infinitely graduated fashion”*, but rather simply stated that the transition must be effected in the so-called *infinitely graduated fashion*.

Similarly, page 6 line 24 to page 7 line 5, the spec discloses the structure of the end region (61) of the pole closure with respect to the throat (79) between the two pole roots (31), and the pole protrusions (82, 85), then the specification concludes that as a result of which a transition between the radially outward-oriented surfaces of the pole gap closure (55) and the poles (28 and 34) is embodied in infinitely graduated fashion. Again, the spec explains the structure of the pole closure and the poles resulting an infinitely graduated fashion, but fails to explain *what is "an infinitely graduated fashion"*. Is it the transition is embodied in a slowly calibrated or scaled or tapering manner?

In light of the spec, the transitions between surfaces of poles and of pole gap closure is formed in a small interval.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1, 3, 5**, as understood, **and 9** are rejected under 35 U.S.C. 102(b) as being fully anticipated by Yoke et al (US 5519277).

Yoke discloses an electrical machine having a claw pole rotor having pole plate (12) with a plurality of poles (16) and counter pole plate (14) with a plurality of counter poles (16), wherein each pole is formed by projection portion on pole root of the pole plate (12, 14) and an axially extended portion, the poles of the two pole plates are arranged interfitted with respect to each other; a pole gap closure (22) inserted between the poles, wherein the pole gap closure (22) is braced by the projections on the pole roots. The pole gap closure (22)

having recess between the bridging portion (26) and the portions (24) into which the projections on the pole roots are fitted.

2. **Claims 1, 3-4, 5, as understood, and 9, as understood,** are rejected under 35

U.S.C. 102(b) as being fully anticipated by Nakamura et al (US 4617485).

Nakamura discloses an electrical machine (figs 1-6) having a claw pole rotor having pole plate (1) with a plurality of poles (1-p) and counter pole plate (1') with a plurality of counter poles (1-p'), wherein each pole is formed by projection portion on pole root of the pole plate (12, 14) and an axially extended portion (shown in fig 4), the poles of the two pole plates are arranged interfitted with respect to each other; a pole gap closure (3 fig 3) inserted between the poles, wherein the pole gap closure (3) is braced by the projections on the pole roots (fig 4). The pole gap closure (3) having recesses (3b), which is between two outer surface portions (3-c), into which the projections on the pole roots are fitted.

3. **Claims 1, 3-4, 5, as understood, and 6-9** are rejected under 35 U.S.C. 102(b) as being fully anticipated by Kusasse et al (US 5483116).

Kusase discloses an electrical machine (figs 1-7) having a claw pole rotor having pole plate with a plurality of poles (15) and counter pole plate with a plurality of counter poles (16), wherein each pole is formed by projection portion on pole root of the pole plate and an axially extended portion (shown in figs 2, 6-7), the poles of the two pole plates are arranged interfitted with respect to each other; a pole gap closure (12 figs 3-5) inserted between the poles, wherein the pole gap closure (12) is braced by the projections on the pole roots (figs 2, 6). The pole gap closure (3) having recesses, which is between two bar-shaped regions that accommodate the permanent magnet (11) thereon, into which the projections on the pole roots are fitted. A face element that is part of the ring (25) is braced on a radially inward-oriented underside of a pole (figs 3-5).

Response to Arguments

The applicant argument is not persuasive because of the following reasons:

The applicant argues that the refs, York, Nakamura, and Kusase do not show the pole gap closure that is braced or sustained at its axial regions, which are located between two pole roots of one pole wheel in combination with recesses into which the projections are fitted.

The applicant's attention is drawn to attachment (I), which is included herein. Via the attachment, the Examiner attempts to explain how each reference is read with respect to the above-mentioned limitations, with which the applicant allegedly argues that these references do not show.

While the claimed language just merely recites that "*the pole gap closure (55) in the region of the projections (64) has recesses (67), wherein said projections are fitted into the recesses (67)*", the applicant's argument seems to rely on the structure of ***the pole closure has axial end regions (61) having two peripheral sides, wherein each of the peripheral sides has a recess (67) formed therein, and the pole projection (64) is fitted into the recess,*** as shown in figure 3. *If these features were incorporated into the claimed language, then the argument would be more likely persuasive.*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

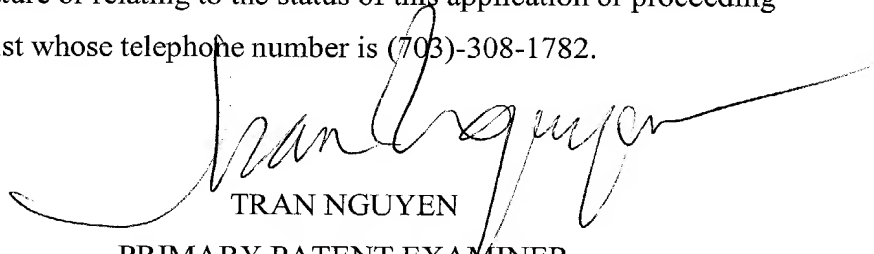
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.

A handwritten signature in black ink, appearing to read 'Tran Nguyen', is written over the printed name and title.

TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800